IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 11417 of 2004

Between:

Kotla. Guru Naidu, S/o. Late Satyam Naidu, Hindu,
A.P. Social Welfare Residential School/JC(APSWREIS),

Devarapalli, Visakhapatnam District.

..... PETITIONER

AND

1 A.P. Social Welfare Residential Educational Institutions Society (APSWREIS)

(Regd.) rep by its Secretary, Govt. of A.P., Telugu Sankshema Bhavan, Masabtank,

Hyderabad.
2 The Principal, APSWR School/Jr. College,
Devarapalli, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly a writ in the nature of Mandamus directing the respondents to promote to the petitioner as principal by setting aside the impugned Procgs.No. Rc. No. Z-1/0004/2002, dtd. 27-3-2004 of the 1st respondent by declaring the action of the 1st respondent as arbitrary, illegal and violative of articles 14,16 and 300-A of the Constitution of India with all consequential and attendant benefit.

Counsel for the Petitioner: MR.B.M.PATRO

Counsel for the Respondents: MR MULA VIJAYA BHASKAR

The Court at the admission stage made the following:

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ORDER:

The petitioner is working as a postgraduate teacher in Hindi in the respondents Society. The petitioner claims that he acquired all the qualifications required to get promotion as a Principal.

2. The petitioner was initially given the promotion scale, but later the 1st respondent passed the impugned order vide proceedings Rc.No.Z-I/0004/2002, dated 27.03.2004. The special promotion post scale of the petitioner was cancelled by further holding that he did not pass the Education Departmental Test for gazetted officers to get eligibility for appointment in the special promotion post scale. The petitioner, being aggrieved by the said order of the 1st respondent, filed this writ petition, seeking a writ of mandamus declaring that the proceedings of the 1st respondent dated 27.03.2004 as arbitrary, illegal and violative of Articles 14, 16 and 300-A of the Constitution of India.

3. There is a statutory appeal provided under the rules against the order of the 1st respondent. The petitioner, without exhausting the said remedy, approached this Court seeking an extraordinary remedy. The writ petition, therefore, cannot be maintained at this stage.

4. Therefore, the Writ Petition is dismissed, giving liberty to the petitioner to prefer an appeal to the concerned authority against the order of the 1st respondent and get appropriate orders.

dsr/svs

ASSISTANT REGISTRAR

To:

1. The Secretary,Government of Andhra Pradesh,

A.P.Social Welfare Residential Educational Institutions,

Telugu Sankshema Bhavan, Masabtank, Hyderabad

2. The Principal,

APSWR School/Jr.College,

Devarapalli, Visakhapatnam

3. Two CD copies.